

JOSEPH MEZZONE

Name

HIGH DEPORT STATE PRISONPO BOX 650, INDIAN SPRINGS, NV. 89070# 68549

Prison Number

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
MAR 25 2016	
no copy	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: <u>KMR</u>	DEPUTY

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

JOSEPH L. MEZZONE

Plaintiff,

vs.

CASE NO. 3:15-CV-00499-MMD-WGC
(To be supplied by the Clerk)

1) Christopher Smith (NOCC OFFICER)2) Lt. Brannon (NOCC LT. OFFICER)3) MS LISA WALSH (NOCC NICE Warden)4) Mr. Boca (NOCC NICE Warden)5) Mr. Ek. McDanel (Asst. Director NOCC)

CIVIL RIGHTS COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

(FIRST AMENDED COMPLAINT)
JURY TRIAL DEMANDED

6) Mr. Cox (Director NOCC)

Defendant(s).

A. JURISDICTION

1) This complaint alleges that the civil rights of Plaintiff, JOSEPH MEZZONE,
(Print Plaintiff's name)

who presently resides at High Desert State Prison, PO Box 650, Indian Springs, NV 89070, were

violated by the actions of the below named individuals which were directed against

Plaintiff at Northern Nevada Correctional Center, Carson City, NV 89701-7000 on the following dates
(institution/city where violation occurred)

(14th Amendment 5-1-15 For 3-28-15) _____, and _____
(Count I) (Count II) (Count III)

Make a copy of this page to provide the below information if you are naming more than five (5) defendants

- 1) Defendant Christopher Smith resides at NMCC Prison, P.O. Box 7000, Carson City, NV. 89701-7000
 (full name of first defendant) (address if first defendant)
 and is employed as Corrections Disciplinary Writup Officer (NOC). This defendant is sued in his her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: He wrote the Notice of Charges for Plaintiff's Disciplinary Hearing process & part of that process by doing so for NOCC as of AR 702

- 2) Defendant Mr Brennan resides at NMCC Prison, P.O. Box 7000, Carson City, NV. 89701-7000
 (full name of first defendant) (address if first defendant)
 and is employed as LI Corrections Officer Disciplinary Hearing (NOC). This defendant is sued in his her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: He was the 5-1-15 Disciplinary Hearing Officer who provided my writup with out due process of law for NOCC AR 702

- 3) Defendant Lisa Walsh resides at NMCC Prison, P.O. Box 7000, Carson City, NV. 89701-7000
 (full name of first defendant) (address if first defendant)
 and is employed as AWP Warden Grievance Coordinator NMCC For NOCC. This defendant is sued in his her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: She was the AWP and Grievance Coordinator and part of the Appeal process for my 5-1-15 Disciplinary process AR 702 and final decision maker and trainer for employees for NOCC (NOC) Disciplinary Hearings.

- 4) Defendant Mr Bowen resides at NMCC Prison, P.O. Box 7000, Carson City, NV. 89701-7000
 (full name of first defendant) (address if first defendant)
 and is employed as Head Warden At NMCC for NOCC. This defendant is sued in his her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: He was the head Warden and part of the Appeal process for my 5-1-15 disciplinary process AR 702 and final decision maker and trainer for these employees for NOCC Disciplinary Hearings

- 5) Defendant Mr R. McDaniel resides at P.O. Box 7000, Carson City, NV. 89702
 This defendant is sued in his her

☒ individual ☒ official capacity

Under color of law Assistant Director, trainee employees, final decision maker for NOCC at NMCC Prison Disciplinary AR 702 processes. Explain how this defendant was

6) Defendant Mr Cox resides at Po Box 7001, Carson City, NV 89402,
 (full name of first defendant) (address if first defendant)
 and is employed as Head Director For NDC Employee/proceeds. This defendant is sued in his/her
 (defendant's position and title, if any)
☒ individual ☒ official capacity. (Check one or both). Explain how this defendant was acting

under color of law: He was the Director of Prison for (NDC) Policies AR 207 Disciplinary Hearings 5-1-15 and a final decision maker and signed the AR 207 as that

7) Jurisdiction is invoked pursuant to 28 U.S.C. § 1343 (a)(3) and 42 U.S.C. § 1983. If you wish to assert jurisdiction under different or additional statutes, list them below.

1) under 11th Amendment all purpose violated Plaintiff's 14th Amendment Right and there for should not be allowed to invoke the 11th Amendment immunity.

2) 42 USC § 1976 Civil Rights Attorney Fees of 42 USC § 1988 and Plaintiff's cost.

3) § 242 Criminal Contempt Part to a § 1983

4) 42 USC § 1985 2) and 3) Conspiracy to false evidence, not allowed evidence, false write up, and punishment and witnesses. under New evidence FRCP 60(b) to my Amended Complaint.

B. NATURE OF THE CASE

1) Briefly state the background of your case.

On 5-1-15 plaintiff had a Nevada Dept. Corrections Disciplinary Hearing with my self Joseph Mizzon #685549, NDC LT. BRANNON Hearing Officer, And Christopher "Deverle" #1010262 my only witness alleged, by my request were all present at this disciplinary hearing. During this hearing LT. Brannon (recorded all proceedings), Asked Plaintiff his response and Plaintiff plead not guilty and LT Brannon read plaintiff his incarcerated rights to a possible criminal sanctions. Plaintiff statement was bedidat hit C. Smith on 3-28-15 and Plaintiff requested all witnesses and video to the 3-28-15 incident to statements and views. LT Brannon denied all witnesses except Chris Deverle #1010262 my cell at the time in 5-B-29 Unit. MR. Brannon would not any of the video requested, said there is no video and its official use only. (Theres a Video Camra Showing in Unit 5 in "A-B-C" wings, Also Back Entrance Door and Front Entrance Door and there was hand held video by C/O Sergeant Robertson as a Search and Escort Officer on seen 3-28-15 During the punishment on the spot before disciplinary hearing.

C. CAUSE OF ACTION

B. NATURE OF THE CASE

(CONTINUED)

Witness information said by C. Smith (now) officers report said there were inmates around us and the Rotunda was full of inmates which I have a due process right under "AR 707 NDOC" and "Wolff v. McDowell" to be allowed witness and video evidence to cross examine and Marshall the facts of my accusers. (I was DENIED ON TAPE) Mr Brannon only allowed my cell Chris Deyerle #1010262 and he told what he saw to his eye witness ability from the area of incident, which is on page 1 of 4 on Disciplinary Form # under Witness Information. (I/M Mirzoni requested I/M Deyerle #1010262 and I/M testimony was accepted as relevant and is as follows: Four Cops came in our house 5-B-29 cell and tore it apart. I know Joe was going to tell the cop that the house needs to be put back together. When I came out Joe was on the wall. C/O Smith went to grab his arm and Joe said what are you doing. C/O Smith took him to the ground and said stop resisting. He then yelled for everyone to lock down. At this time other officers arrived and yelled to lock down and I locked down) Mr Deyerle testimony was accepted as ACCEPTED/RELEVANT. And not one time does Inmate Deyerle state that Inmate Mirzoni struck or assaulted or battered or cussing at C. Smith C/O. And I/M Deyerle stated they saw on tape also that there were all kinds of inmates that saw the same thing and I/M Scotty Cox an inmate but none were allowed or called as witnesses in the rotunda of Unit 5 in behalf of plaintiff or against C. Smith's report. Defendant Smith doesn't order any witnesses or any staff to witness his version of events on his write up, including a Inmate, Deyerle on what he said, nor does C. Smith say Deyerle lied at the disciplinary hearing. And none of the inmates at the incident on 3-28-15 were a threat nor irrelevant to plaintiff's hearing, nor did the LT Berman say on tape they would be or on papers so Plaintiff should of been allowed the witnesses. Plaintiff wanted all the Video Evidence prior to the Disciplinary Hearing and asked AWP Lisa Webb and Wardens and the answer was "Adhere to it" and she or the other Wardens give me anything and they and MR Brannon Denied me Video evidence because I was not allowed it. (see Kite Attached to Wardens For Video/Witnesses). And AR 707 Page 5 of 38 1.9-A Qualified

JA

B. NATURE OF THE CASE

(CONTINUED)

opportunity to call witnesses with substantive knowledge of issues and present documentary evidence provided that to do so will not jeopardize institutional security or correctional goals. (This includes video by law). Chris Deyette was a inmate witness he was working yard labor that day and Mr Brannon LT called him on the intercom and could of called the other witness inmates as well, or any CIO witnesses. There were eye witnesses not hearsay. Also any and all pictures was denied. Mr Brannon even asked "What would this Video do?" and Plaintiff told him as said above, and was still denied all and he said it's our policy to show you the video. Plaintiff was charged for the following Frictions: Cussing a 69, Battery MJ3 and Assault MJ2 by only staff report C. Smith evidence. Mr Brannon drops the Cussing and Assault and finds me guilty of battery MJ3 and giving Plaintiff 2 years Disciplinary Segregation for prior write ups in the past as far as 8 years back, and Plaintiff is on a new sentence. Those prior incidents were fake to and plaintiff was cuffed/shackled when those happen and (WDC) has a policy after they beat you or a incident happens they reverse the charges that they should of got to give you a disciplinary falsely. By CIO Brannon charging Plaintiff and stating on tape he's punishing Plaintiff for his past is Double Jeopardy, punished for the same crimes twice. And for the record I was under mental health when they beat me. This administration and Warden Walsh, Warden Batts, Assistant Director Ek McDaniel and Director Cox all know Plaintiff didn't hit C. Smith and all conspired and retaliated against Plaintiff for this and prior grievances and lawsuits to obstruct Justice, commit perjury, Malicious prosecution, False Arrest, Conspire to Commit with C. Smith, Sergeant Robertson and the other CIOs wished that night after they beat me to use false evidence to Investigator General's office with false picture of hand and side of C. Smith's face to say plaintiff hit C. Smith which ~~was~~ ^{was} written on the disciplinary and makes all of them a part of Plaintiff's Write up and punishment illegally, and most recently Under FRCP 60(b) new evidence on Case # 3:15-cv-02313-MMD-VAC Plaintiff received a "LIMITED NOTICE OF APPEARANCE" dated 1-15-16 and the defendant C. Smith is asking for a writ of Cert

B. NATURE OF THE CASE

(CONTINUED)

Settlement on that case which he doing so is a statement of guilt and lying on his report on this case, because plaintiff only sued C. Smith for his lying to violate plaintiff's rights and under the 1st Amend to USC for says words only and him assailing me for it under the 8th Amend. on the other case. He said he didn't do anything to me. He filed a false report here to punish me 2 years and so did the other defendants by conspiring to do so with him and as said.

And by all defendants doing so illegally put me in a atypical and hardship by (1) Plaintiff disciplinary segregation is not the same as GP AT NINEC he proves this by comparing ELY STATE PRISON (MAX) TO GP NINEC PRISON MEDTIME YARD and does so to show all the things at GP Level ~~that~~ Lost: (1) 2 years locked down now; (2) NO packages; (3) Criminal Sanctions possible; (4) Staff Refusal chaps lost (5) Restitution possible; (6) A beating punishment on spot (7) Coffee Shop; (8) Yard 3 times a week with Gym; (9) Brand Room Privileges and my hand pliers; (10) Church and Choir Practice (11) Culinary meals bigger and hotter; (12) Hand Cuffed and leg shackled every where; (13) Visits contact with my family; (14) Shore privileges; (15) Appliance privileges; (16) Clothing privileges have to wear orange jump suit; (17) Showers every day (18) Low Librarian (19) Tear Time in Units till 11 PM (20) False Disciplinary of Assault and Battery on record. (21) Put on High Risk Prisoner status for 3 months without due process; (22) Took off a medical yard for mental health without due process. (23) Moved from a medium yard to max yard 250 miles from anything and other related punishments, penalties, and privileges. And no additional due process for punishment of the Loss of Visits, shore, and appliances, my sanctions on my Summary Judgment only say 24 months DS time in which ^{shows} ~~shows~~ a difference between GP and DS Seg.

Disciplinary Segregation is not the same as General population what so ever. Plaintiff was ~~due~~ ^{due} for a parole this year 2016 and it may effect that decision making process, and make plaintiff stay in confinement longer. All defendants were involved per AR 707 Administration Regulation Inmate Disciplinary Processes and plaintiff will show each one on Count 1 14th Amend to USC on this Complaint per AR 707. (By the new evidence of Smith wanting a deal and the officer that took pictures and the other defendants conspiring to fake evidence I enjoyed Conspiracy.)

C. CAUSE OF ACTION

COUNT I

The following civil right has been violated: Amendment 14 All persons have or born in naturalized in the United States, and subjected to the reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the U.S. nor shall any states deprive any person of life, liberty or property without due process of law or deny to any person any state deprive any within its Jurisdiction the equal Protection of laws. Supporting Facts: [Include all facts you consider important. State the facts clearly, in your own words, and without citing legal authority or argument. Be sure you describe exactly what each specific defendant (by name) did to violate your rights].

All defendants Violated Plaintiffs 14th Amendment rights to USCA and the 5th Amendment to not be punished for the same crimes twice which is Double Jeopardy and Plaintiff explain how each were involved.

1. Christopher Smith (NDOC OFFICER): Mr Smith did so by writing a False Disciplinary Report stating Plaintiff hit him in the temple of his face as he was wrestling Plaintiff down for cursing according to his report. And by doing so he caused plaintiff punishment on the spot in Unit 5 Robinson on 3-28-15 at MIRC Prison by him and his partners beating plaintiff and causing him severe injuries and permanent damage to his health. Mr Smith conspired with the other defendants to write this false report and false pictures of side face and a hand with a cut on top of forefinger/Right side. And by doing so plaintiff was convicted in a Disciplinary Hearing 5-1-15 as Smith being the charging officer and report and caused plaintiff hardship and Atypical situation by 2 years DS ect. See: (B. Nature of Case Page 3-C.) He lied on this report and this report is a part of the disciplinary process See: (NDOC AR 707 Disciplinary Process: AR 707 P.9 2 of 38 Charging Employee, AR 707 3 of 38 DISCIPLINARY PROCESS, AR 707 P.9 4 of 38 NOTICE OF CHARGES, AR 707 1.9, AR 707.02-1.1. Notice of Charges (NDOC-3017), AR 707.04 1.1 Notice of Charges, AR 707.04 1.1 to P.9 7 of 38, AR 707 1.3-6 Evidence. A finding of Guilt must be based on some evidence, regardless of the amount. In all C. Smith is a very much part of the disciplinary process personal and official. If he wouldn't of had and fake wrote up Plaintiff would not have been punished without due process by other defendants, but instead he conspired with other defendants to violate Plaintiff's due process rights by a false report and sending false pictures and reports to the Investigator General and the Disciplinary COT Board, and he did so which caused plaintiff a criminal sanction to be read to plaintiff from AR 707 procedures. He has since then on a related case # 3:15-cv-00313-MMD-VPC

C. CAUSE OF ACTION COUNT 1

(CONTINUED)

filed a "LIMITED NOTICE OF APPEARANCE" dated January 15, 2016 in the US/DEPT/COURT/IN/EX on excessive force, lying on this report, and false evidence that plaintiff charged him on the 8th and 1st and 14th Amend to USCA with his attorney and two other Correctional Officers which conspired to use false pictures and evidence that plaintiff charged them for as well. So if this Court looks at that its a sign of guilt in its self to want to settle out of Court and tell the truth with plaintiff accusations being almost exact as far as C. Smith Conspiring and lying on the Disciplinary Report. See; (Case # 3:15-cv-00313-mmd-vpc Document 1-1 B. NATURE OF THE CASE P. 3-C, P. 4, P. 4A, 5-D to 5-E, P. 6.) also see; (Case # 3:15-cv-00313-mmd-vpc Document 7 dated 1-15-16.)

(2) MR BRANNAN (NOC) LT. OFFICER: This defendant has been stated by this court to proceed with a 14th Amendment Violations as the Disciplinary Hearing Officer on plaintiff original written case. See; (Case # 3:15-cv-00499-mmd-wgc SCREENING ORDER dated 3-2-16 Document # 4 P. 9 Line 25-26.) also see; (B. NATURE OF CASE P. 3 to 3-C.)

3) MS WALSH (NOC) AWP; (4) MR BACA (NOC) WARDEN; (5) MR EK MEDANIEL (NOC) Assistant Director and (5) MR Cox (NOC) Director all are personally and officially involved Per (NOC) AR 707 Disciplinary Process and all conspired to with C. Smith to file a false report for Disciplinary Hearing and sanctions that followed and did so by false evidence that all would have to prove and approve to go to this process on 5-1-15 Disciplinary Hearing Process and to the Investigator General's Office Mr Moore to say with all defendants that plaintiff hit C. Smith who wrote the report with there approval, training and drafting and using false pictures, reports, evidence of side of C. Smith's face and a right hand cut on top of fore knuckle to say Plaintiff hit C. Smith in his temple as the Disciplinary States in which all there involvement put sanctions through C/O Brannan knowing all knew Plaintiff did nothing and because of that Plaintiff received harsh sanctions and a Atypical and Hardship ~~complaint~~ to G.P minimum to a Super Max at Elly Prison.

C. CAUSE OF ACTION (CONT)

(Continued)

See (B. NATURE OF CASE P.9 3 to P.9 3C) Also Plaintiff will show more involvement per their own Rules on AR 707 in order: AR 707 P.6 2 of 38 707.01 to 707.14 To establish an inmate disciplinary system within the Department (3-4215); AR 707 AUTHORITY NRS 269.131 and NRS 209.246; AR 707 2 of 38 CHARGING EMPLOYEE; AR 707 P.6 3 of 38 DISCIPLINARY PROCESS; AR 707 4 of 38 1.4 Corporal Punishment or inhumane treatment is prohibited (3-4268) and Defendant authority has allowed plaintiff to receive this treatment, interrogation, Confinement in cells, torcher acts. AR 707 P.6 5 of 38 1.9; AR 707.02 DISCIPLINARY PROCESS STRUCTURE 1.1; AR 707 P.6 6 of 38 Appeals and AR 707.04 INMATE DISCIPLINARY PROCESS 1.1, 1.1.1, 1.1.2, 1.1.3, P.6 7 of 38 1.1.4, 1.1.5, 1.1.6 In any event of an investigation, the investigator may complete a Notice of Charges or submit a report to the institutional Warden who will insure that a Notice of Charges is initiated (3-4220), AR 707 (1.1.8 and 1.1.8.3; AR 707 Pg 14 of 38 1.3.5.6, 1.3.5.7, and they all conspired to not allow plaintiff to see video evidence and receive the witnesses on 3-28-15 in Unit 5. also included/attached is a Note letter written to Warden Ms Walsh to return Video/still pictures/witness and this wrote on 4-5-15 (1 month) prior to 5-1-15 Disciplinary Hearing, and the answer officially involved said "Adhere to the Process" and she nor the rest of the Defendant complied to this.) AR 707 Pg 15 of 38 1.3.6 Evidence, 1.3.6.2 (Evidence is relevant if it assists the Disciplinary Hearing Officer or Preliminary Hearing Officer in determining a fact necessary to determine guilt or innocence.) AR 707 Pg 16 of 38 1.3.7.2 (Guilt or innocence shall be determined solely on the evidence presented at the hearing or reviewed prior to the hearing by the Disciplinary Hearing Officer) AR 707 17 of 38 1.5 Disciplinary Appeals, 1.5.1, 1.5.2, 1.5.3, 1.5.4 Wardens Response, 1.5.4.1 Pg 18 of 38 1.5.4.2, 1.5.4.3, 1.5.4.4. (These Wardens responded to my appeal 2 month past this whole process and Plaintiff should with his case by this as far as expungement of his record goes.) Grievance # 2006-29-99675 is attached to show. And plaintiff even complied to their answer and its been 8 months and no answer on that either on Appeal 4-B

C. CAUSE OF ACTION COUNT 1

(CONTINUED)

AR 707 P.g 25 of 38 1.2.3 (IF the chart is followed, written documentation must be submitted to the Warden justifying the departure from the Chart of Disciplinary Sanctions for review and approval.)

AR 707 P.g 27 of 38 1.3 Wardens.

AR 707 P.g 29 of 38 707.10 REFERENCES FOR PHASE REVOKEMENT

1.1.31 The Warden will determine if such an action is appropriate.

AR 707 P.g 31 of 38 1.4.3, 1.4.3.1

AR 707 P.g 38 of 38 The (NDOC) Director's name and signature on AR 707. and REFERENCES ACA 3-4214-4225; 3-4227-4236

ATTACHMENTS CHART OF DISCIPLINARY SANCTIONS

Chart NDOC Form 3010, Form 3017, Form 3018, Form 3019 Page 1, Form 3019 Page 2 and Form 3043

All stated is to show this Court the personal and official involvement in all disciplinary Proceedings Per AR 707 NDOC.

Also by all conspiring to a False Disciplinary report and false pictures, reports and evidence were were important to this whole process. See: AR 707 P. 4 of 38 707.01 DEPARTMENT POLICY 1.3

- Discipline should be applied in an impartial and consistent manner. They did not.

Also there involvement is participating, conspiring and ordering these officers to do all these violations and they trained them. And on behalf of the (NDOC) and its officers, directors, Employees former Employees, Agents, Predecessors, Boards, Hearings, Divisions, Successors, Administrators, and assigns, Acting privately, Individually, or under law: Color or Authority at, or for the benefit of, (NDOC) or its Operations, Including its operations arising from or relating to the Provision or delivery of medical care and protection to staff and inmates, and further including any Person responsible for promulgating, maintaining, enforcing any rules or Disciplinary, Directives, regulations, hereafter all such persons are collectively referred to as a

C. CAUSE OF ACTION COUNT 1

(Continued)

Defendants and The State of Nevada for all prisoners at (NVEE).

They sanctioned plaintiff by 24 months solitary, Restraint, Criminal prosecution, shit A class refusal and sec; (B. NATURE OF CASE P.9. 3-C) and

emotional distress of that punishment of not knowing and sanctioned

They have all retaliated by my whole time under Illegal Surveillance, Entanglements, gassed/chryments, use of laser equipment to hit visual areas in cell and other

sources of torcher tricks and equipment used as a test dummy was plaintiff.

And because plaintiff ask for Injunction Relief it makes all Wardens and Directors a defendant to plaintiff action

EVIDENCE: 3-28-15 VIDEO TAPES IN UNITS 5, 4, 8, 7. AND HAND HELD VIDEO FROM UNIT 5 TO UNIT 8 by Sargent Robertson and she took still pictures and IG INVESTIGATION, MEDICAL RECORDS, WITNESS IN UNIT 5 and C/O's Reports, Warden Reports, Director Reports. And 5-1-15 DISCIPLINARY TAPES RECORDINGS

**D. PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF**

- 1) Have you filed other actions in state or federal court involving the same or similar facts as involved in this action? ☒ Yes ☐ No. If the answer is "Yes", describe each lawsuit. (If more than one, describe the others on an additional page following the below outline)

- a) Defendants: The State of Nev. in Rel. to (NDOC) McDANIEL, BRYANT, INOUE
 b) Name of court and docket number: # 3:11-cv-00186-LRH-WGC
 c) Disposition (for example was the case dismissed, appealed or is it still pending?):
It was dismissed by 9th Cir. Appellate
 d) Issues raised: 8th and 14th Amendments for not allowing a Hearing at All.
 e) Approximate date it was filed: JANUARY 20, 2011
 f) Approximate date of disposition: JAN - 2015

- 2) Have you filed an action in federal court that was dismissed because it was determined to be frivolous, malicious, or failed to state a claim upon which relief could be granted? ☒ Yes ☐ No. If your answer is "Yes", describe each lawsuit. (If you have had more than three actions dismissed based on the above reasons, describe the others on an additional page following the below outline).

Lawsuit #1 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: NDOC Blauvelt et al Ely Prison
 b) Name of court and case number: # 3:07-cv-00008
 c) The case was dismissed because it was found to be (check one): ☒ frivolous:
☐ malicious or ☐ failed to state a claim upon which relief could be granted
 d) Issues raised: 1st, 4th, 5th, 6th, 8th and 14th Amendments to USCA

- e) Approximate date it was filed: 9-1-06
 f) Approximate date of disposition: 6-6-07

Lawsuit #2 dismissed as frivolous, malicious, or failed to state a claim:

- a) Defendants: _____
 b) Name of court and case number: _____



c) The case was dismissed because it was found to be (check one): _____ frivolous:
 _____ malicious or _____ failed to state a claim upon which relief could be granted

d) Issued raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

Lawsuit #3 dismissed as frivolous, malicious, or failed to state a claim:

a) Defendants: _____

b) Name of court and case number: _____

c) The case was dismissed because it was found to be (check one): _____ frivolous:
 _____ malicious or _____ failed to state a claim upon which relief could be granted

d) Issued raised: _____

e) Approximate date it was filed: _____

f) Approximate date of disposition: _____

- 3) Have you attempted to resolve the dispute stated in this action by seeking relief from the proper administrative officials, e.g., have you exhausted available administrative grievance procedures? ☒ Yes ☐ No. If your answer is "No", did you not attempt administrative relief because the dispute involved the validity of a (1) _____ disciplinary hearing; (2) _____ state or federal court decision; (3) _____ state or federal law or regulation; (4) parole board decision; or (5) _____ other _____

If your answer is "yes", provide the following information. Grievance Number #2015-29-99675

Date and institution where grievance was filed 1st Level Appeal 5-1-15 AND 2nd Level 6-17-15

Response to grievance: NO Response on the 1st level so plaintiff file 2nd level

Level Case back NO Response to that level action


E. REQUEST FOR RELIEF

I believe that I am entitled to the following relief:

- 1) Compensatory Relief of \$500,000 thousand dollars
- 2) Punitive of \$500,000 thousand dollars
- 3) Emotional Distress of \$ 500,000 thousand Dollars
- Immediately 4) Injunction Relief Expunge Disciplinary off record for each put back in GP and sue immediately
- 5) Give my state time back? and restitution money back? ~~State out of state~~

I understand that a false statement or answer to any question in this declaration will subject me to penalties of perjury. I **DECLARE UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE UNITED STATES OF AMERICA THAT THE FOREGOING IS TRUE AND CORRECT.** See 28 U.S.C. § 1746 and 18 U.S.C. § 1621.

My self
(Name of person who prepared or helped prepare this complaint if not Plaintiff)


(Signature of Plaintiff)
~~March 20, 2016~~ March 20, 2016
(Date)

(Additional space if needed; identify what is being continued)

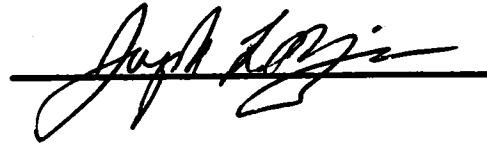
6) IF ~~unable~~ cannot provide plaintiff with his medical states
Plaintiff ask to move to a prison equal to, or out of state to
accountable his action in this lawsuit as truth. And become new evidence
of Smith and Cops involved and defendants company I still ask for Emergency
Relief of release off of Disciplinary Segregation.

CERTIFICATE OF SERVICE BY MAIL

Pursuant to N.R.C.P. Rule 5 (b), I hereby certify that I am the petitioner/Defendant named herein and that on this ~~20th~~ day of ~~March~~ MARCH 2015, I mailed a true a correct copy of the foregoing document to the following:

BRAS SHIP # 1703508CASE# 3:15-CV-00499-MMD-WGL

1) TO: Clerk of US Dist Court Nev.
Dist of Nevada.
400 South WAGMAN ST., Room 301
Reno, Nevada 89501



2) Office of Attorney General
100 N. Carson Street
Carson City, NV. 89201-9717

3) Plaintiff's Address Joseph Muzon #68519
Ely State Prison
P.O. Box 1989
Ely, NV, 89301

*No Grievance
Below 1st Level Appeal
Was race Related.*

LOG NUMBER: _____

**NEVADA DEPARTMENT OF CORRECTIONS
SECOND LEVEL GRIEVANCE**

NAME: JOSEPH L. MIZZONI I.D. NUMBER: 68549

INSTITUTION: NVCC PRISON UNIT: 7-B-62

I REQUEST THE REVIEW OF THE GRIEVANCE, LOG NUMBER _____, ON THE SECOND LEVEL. THE ORIGINAL COPY OF MY GRIEVANCE AND ALL SUPPORTING DOCUMENTATION IS ATTACHED FOR REVIEW.

SWORN DECLARATION UNDER PENALTY OF PERJURY

INMATE SIGNATURE: Joseph L. Mizzoni DATE: 6-17-15

WHY DISAGREE: Because I put in a Disciplinary Appeal in on 5-1-15 within the (15 day) Time limit of AR 707. This was for a incident I was illegally charged for Assault, Robbery, Abusive Language, in which it has been well pass the Grievance time limit to answer the 1st level grievance and so in turn between that grievance and your Dept. not answering in a timely

GRIEVANCE COORDINATOR SIGNATURE: D. Clark DATE: 6/18/15

SECOND LEVEL RESPONSE: _____

____ GRIEVANCE UPHELD ____ GRIEVANCE DENIED ____ ISSUE NOT GRIEVABLE PER AR 740

SIGNATURE: _____ TITLE: _____ DATE: _____

GRIEVANCE COORDINATOR SIGNATURE: Ray Wane DATE: 7/1/15

INMATE SIGNATURE: Joseph Mizzoni DATE: 7-27-15

THIS ENDS THE FORMAL GRIEVANCE PROCESS

Original: To inmate when complete, or attached to formal grievance
Canary: To Grievance Coordinator
Pink: Inmate's receipt when formal grievance filed
Gold: Inmate's initial receipt

RECEIVED

JUN 10 2015

ANF - 0000

**NEVADA DEPARTMENT OF CORRECTIONS
GRIEVANT'S STATEMENT CONTINUATION FORM**

NAME: Joseph Mizzoni I.D. NUMBER: 68549
 INSTITUTION: NNG Prison UNIT #: 7-B-62
 GRIEVANCE #: 2006-29-99675 GRIEVANCE LEVEL: 2nd Level
 GRIEVANT'S STATEMENT CONTINUATION: PG. 2 OF 2

Manner per AR 740. I would now ask that all my (NDC) Disciplinary be dismissed in the entirety and expunged of my Disciplinary record permanently, and I be released out of Disciplinary Segregation, back to the NNG prison yard in Level 2 where I was. I stand by my 1st Level Grievance on this 2nd Level Grievance. If not this yard move me to one where I can be individually treated and do my time without false Disciplinary and harassment and unjust punishment related to the 8th Amendment to the U.S.A. of Cruel and Unusual punishment and Move Due Process of Law and now add this under AR 740 and 14th Amendment to receive a answer in a timely manner to marchel the facts and respond to my appeal per AR 740. of Due process of Law.

Original: Attached to Grievance
 Pink: Inmate's Copy

RECEIVED

JUN 16 2016

ADMP - NNG

**NEVADA DEPARTMENT OF CORRECTIONS
MEMORANDUM**

TO: Mizzoni, Joseph 68549

FROM: Lisa Walsh, AWP/NNCC

DATE: 7/8/2015

SUBJECT: Improper Grievance #: 20062999675

The attached grievance is being returned to you for the following reason(s):

- ☐ Non-Grievable issue:
- ☐ State and Federal court decisions
 - ☐ State, Federal, and local laws and regulations
 - ☐ Parole Board Decisions
 - ☐ Lacks Standing
- ☐ Untimely submission
- ☐ No remedy noted
- ☐ Abuse of Inmate Grievance Procedure
- ☐ Any language, writing or illustration deemed to be obscene, profane, or derogatory
 - ☐ A threat of serious bodily injury to a specific individual
 - ☐ Specific claims or incidents previously filed by the same inmate
 - ☐ More than four (4) unfounded, frivolous or vexatious grievances per month
 - ☐ Allegations proven to be false
- ☐ The grievance contains more than one incident, issue, etc.
- ☒ Other; Specify: 3098 – You must attach the Informal and First Level of this grievance.
- _____
- _____
- _____

You may resubmit your grievance after correcting the above deficiencies. Failure to re-submit the grievance through the prescribed timeframe shall constitute abandonment.


Witness Signature Date:

Cc: Original – Inmate

Inmate Signature Date:

Copy – Grievance File

DOC-3098 (10/03)

INMATE REQUEST FORM

1.) INMATE NAME	DOC #	2.) HOUSING UNIT	3.) DATE
Joseph Mizzoni	68549	7-B-62	4-5-15

4.) REQUEST FORM TO: (CHECK BOX) ☐ MENTAL HEALTH ☐ CANTEEN
☐ CASEWORKER ☐ MEDICAL ☐ LAW LIBRARY ☐ DENTAL
☐ EDUCATION ☐ VISITING ☐ SHIFT COMMAND
☐ LAUNDRY ☐ PROPERTY ROOM ☒ OTHER WARDEN MS. WALSH

5.) NAME OF INDIVIDUAL TO CONTACT: MS WALSH (Please Return all Video/Still pictures) For my lawyer and Carl

6.) REQUEST: (PRINT BELOW) MAM, I am in 7-B-62 I went to a hearing on 4-4-15
and Received my Notice of charges and was read everything in C/O Smith's
Version Unit 5 on 3-28-15 he said he order inmates to lock it up and they
did, then he said he ordered several "Inmates" to get back ~~to~~ because this
retunda was full of other inmates. AT the hearing I requested those
inmates in the retunda and around myself and C/O Smith NAMES OR
Affidavits to or any other inmates version of events to be at my disciplinary
Also please request all video/still pictures from inside Unit 5 to 7-A-38 on
3-28-15 in order to confront witness and evidence with charges against me mam. Thank You

7.) INMATE SIGNATURE Joseph Mizzoni DOC # 68549
 8.) RECEIVING STAFF SIGNATURE _____ DATE _____

9.) RESPONSE TO INMATE

Adhere to the process

10.) RESPONDING STAFF SIGNATURE RW DATE 4/1/17